

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES EDWARD BARBER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 2:23-cv-342-ECM
)	(WO)
KAY IVEY, Governor of the State of)	
Alabama, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Now pending before the Court is the Defendants’ motion to dismiss the Plaintiff’s complaint. (Doc. 44). On July 9, 2023, the Plaintiff filed an amended complaint. (Doc. 52). The amended complaint supersedes the original complaint. *See Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (“[W]hen [plaintiff] filed the second amended complaint, the first amended complaint . . . became a legal nullity.”). Accordingly, upon consideration of the motion, and for good cause, it is

ORDERED that the motion to dismiss (doc. 44) is DENIED as moot.

DONE this 10th day of July, 2023.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE